

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

Proposing rule making related to license sanctions and response deadlines and providing an opportunity for public comment

The Educational Examiners Board hereby proposes to amend Chapter 11, “Complaints, Investigations, Contested Case Hearings,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 272.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2021 Iowa Acts, House File 744.

Purpose and Summary

2021 Iowa Acts, House File 744, sets forth new criteria for the denial or revocation of a license based on discrimination against a student or employee in violation of provisions related to protected speech or intellectual freedom. An update to the rules is also needed to change the time period allowable to file a written response to a motion to match the Iowa Rules of Civil Procedure. The proposed rule making implements these changes.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 282—Chapter 6.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on October 26, 2021. Comments should be directed to:

Kimberly Cunningham
Board of Educational Examiners
701 East Court Avenue, Suite A
Des Moines, Iowa 50319-0147
Fax: 515.281.7669
Email: kim.cunningham@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

October 26, 2021
1 p.m.

Board Room
701 East Court Avenue, Suite A
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 11.17(2) as follows:

11.17(2) Any party may file a written response to a motion within ~~ten~~ 15 days after the motion is served, unless the time period is extended or shortened by rules of the agency or the presiding officer.

ITEM 2. Adopt the following **new** paragraph **11.35(2)“c”**:

c. Speech and intellectual freedom protections. The board may deny a license to or revoke the license of a person upon the board's finding by a preponderance of evidence that the person knowingly and intentionally discriminated against a student in violation of Iowa Code section 261H.2(3) as enacted by 2021 Iowa Acts, House File 744, section 1, or Iowa Code section 279.73 as enacted by 2021 Iowa Acts, House File 744, section 5.